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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/680,760	10/07/2003	Richard D. Nathenson	1955-031713

Paul M. Reznick
 700 Koppers Building
 436 Seventh Avenue
 Pittsburgh, PA 15219-1818

CONFIRMATION NO. 5237

FORMALITIES LETTER



OC000000011611091

Date Mailed: 01/05/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

03/11/2004 BABRAHA1 00000077 230650 10680760

01-FC:2051 65.00 DA

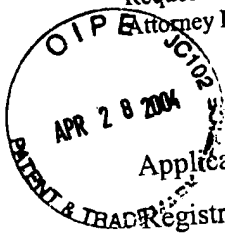
*A copy of this notice **MUST** be returned with the reply.*

Adjustment date: 06/08/2004 EEKUBAT1
 03/11/2004 BABRAHA1 00000077 230650 10680760
 01 FC:2051 65.00 CR

Patent Application No. 10/680,760
Request for Refund dated April 26, 2004
Attorney Docket No. 1955-031713

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Ref & Ref #307



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Confirmation No. 5237

Application No. : 10/680,760
Registrant: : Richard D. Nathenson
Filed: : March 30, 2004
Title: : Excavator System
Group Art Unit : 3671
Examiner : *Not yet assigned*
Customer No. : 28289

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

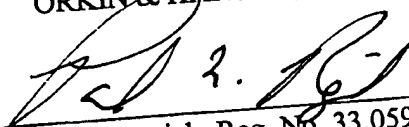
REQUEST FOR REFUND

Sir:

Enclosed is a copy of the Deposit Account Statement for Account No. 23-0650, dated March 2004, indicating a charge to our Account for the above-identified patent application in the amount of \$65.00 for a Late Oath or Declaration Surcharge. On January 5, 2004 a Notice to File Missing Parts of Nonprovisional Application was issued requesting the Late Oath or Declaration Surcharge. A Letter in response to the Notice to File Missing Parts was filed on March 5, 2004 without the Late Oath or Declaration Surcharge and an explanation that no fee was due since the Declaration was filed concurrently with the application on October 7, 2003. Enclosed as proof of submission is a copy of the Letter in response to the Notice to File Missing Parts and a copy of the original postcard with a stamped receipt from the United States Patent and Trademark Office. Therefore, Applicant respectfully requests a refund in the amount of \$65.00 to our Deposit Account No. 23-0650.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By 

Paul M. Reznick, Reg. No. 33,059
Attorney for Applicant
700 Koppers Building, 436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone: 412-471-8815



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Deposit Account Statement

Requested Statement Month: March 2004
Deposit Account Number: 230650
Name: WEBB, ZIESENHEIM, LOGSDON ORKIN & HANSON, P.C.
Attention: LOGSDON, ORKIN & HANSON, P.C.
Address: 700 KOPPERS BUILDING
City: PITTSBURGH
State: PA
Zip: 15219-1818

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
03/01	164	10785444		9204	-\$154.00	\$3,771.00
03/03	362	10039850	3431-011377	1504	\$25.00	\$3,746.00
03/04	19		815-030716	8007	\$20.00	\$3,726.00
03/05	82	6579996	262-011769	8013	\$25.00	\$3,701.00
03/05	109		38960251896	8007	\$40.00	\$3,661.00
03/08	74	2814611	1853-030466	8503	\$15.00	\$3,646.00
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03/08	112	10638655	3829-031422	1504	\$25.00	\$3,596.00
03/08	167	10488527	3580-040134	2614	\$3.00	\$3,593.00
03/09	129	10725023	1709P1	8023	\$120.00	\$3,473.00
03/09	130	10725023	1709P1	8024	\$40.00	\$3,433.00
03/09	131	10725023	1709P1	8007	\$80.00	\$3,353.00
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03/12	175	10378477	2625-022301	2501	\$25.00	\$3,183.00
03/15	10	10287356		9204	-\$300.00	\$3,483.00
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03/15	236		0702-001332	8023	\$40.00	\$3,393.00
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03/15	238		0702-001332	8014	\$25.00	\$3,343.00
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03/23	1		1734-040388	8507	\$15.00	\$3,303.00
03/24	5	10168551	1217-021244	1201	\$172.00	\$3,131.00
03/26	2	09928566	1692-011111	1252	\$420.00	\$2,711.00

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03/26 178	10807845	4133-040082 (P-5532/3)	1202	\$2.00	\$2,709.00
03/26 233	6432540	3833-010366(LDEO-101)	8013	\$25.00	\$2,684.00
03/26 339		4133-043752 & 4133-043753	8007	\$40.00	\$2,644.00
03/29 11		702-030587	8007	\$40.00	\$2,604.00
03/29 17		702-030620	8007	\$20.00	\$2,584.00
03/29 42	09887286	3421-010861	8001	\$10.00	\$2,574.00
03/30 6	P108719		1460	\$130.00	\$2,444.00
03/31 10	10100425	3431-012003	2501	-\$25.00	\$2,469.00

START SUM OF
BALANCE CHARGES
\$3,617.00 \$1,677.00

SUM OF END
REPLENISH BALANCE
\$529.00 \$2,469.00

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Application No. 10/680,760
Paper Dated March 5, 2004
Reply to USPTO Correspondence of January 5, 2004
Attorney Docket No. 1955-031713



STAMPED AND SIGNED
10/11/03 11:58

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Confirmation No. 5237

Application No. : 10/680,760
Applicants : Richard D. Nathenson
Filed : October 7, 2003
Title : EXCAVATOR SYSTEM
Art Unit : 3671

LETTER

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir: In response to Document PTO-1533 regarding "Notice To File Missing Parts of Nonprovisional Application Filed Under 37 CFR 1.53(b)" mailed January 5, 2004, the Applicant submits the following:

1. copy of the Notice to be returned with the response;
2. copy of the Declaration and Power of Attorney submitted with the application as filed;
3. date-stamped return receipt postcard;
4. Information Disclosure Statement; and
5. Request for Corrected Filing Receipt.

I hereby certify that this corresponding is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 5, 2004.

Lori A. Fratangelo
(Type or Print Name of Person Making Deposit)

Lori A. Fratangelo
Signature

03/05/2004
Date

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Application No. 10/680,760
Paper Dated March 5, 2004
Reply to USPTO Correspondence of January 5, 2004
Attorney Docket No. 1955-031713

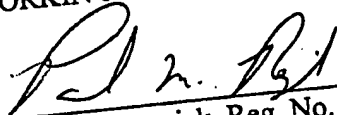
The "Notice To File Missing Parts of Nonprovisional Application Filed Under 37 CFR 1.53(b)" states that the oath or declaration is missing. The above-referenced application, as filed, contained a Declaration and Power of Attorney executed by the Applicant, Richard D. Nathenson, on December 7, 2003. Copies of the Declaration and Power of Attorney, along with the date-stamped postcard, are enclosed. It is respectfully submitted that this Notice to File Missing Parts was issued in error. Therefore, Applicant believes no fee is due.

However, the Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR 1.16 and 1.17 which may be required to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650. The original and two copies of this Letter are attached.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By



Paul M. Reznick, Reg. No. 33,059

Attorney for Applicant

700 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219-1818

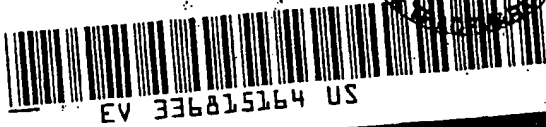
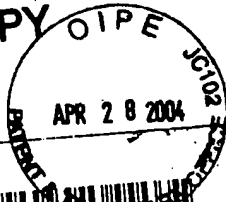
Telephone: 412-471-8815

Facsimile: 412-471-4094

E-Mail: webblaw@webblaw.com

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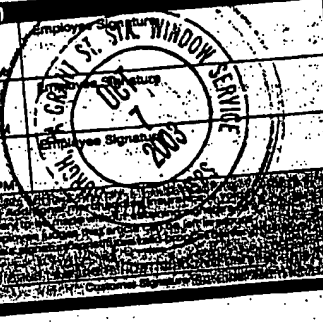
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ORIGIN (POSTAL USE ONLY)

PO ZIP Code 15219	Day of Delivery ☒ Next ☐ Second	Flat Rate Envelope ☐
Date in 10 07 03	☒ 12 Noon ☐ 3 PM	Postage \$ 13.65
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No Delivery ☐ Week End ☐ Holiday	Acceptance Clerk Initials MDS	Total Postage & Fee \$ 13.65

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The dating stamp of the Patent Office on this card will be taken as an indication that the accompanying paper was filed.

Applicant(s) Richard D. Nathenson
 Title "Excavator System"

Pgs. of Spec. 6 Claims 20 Abstract 1 p.
 Sheets of Dwgs. 4 Declaration 2 pp.
 Small Entity Status Asserted Yes X No
 Letter Recognizing Attorneys
 Application Transmittal Letter (in trip.) 1 p.
 Recordation Form Cover Sheet - Patents Only
 Assignment
 Amount of Check(s) \$428.00
 Express Mail No. EV 336815164 US
 Atty's File No. 1955-031713
 Initials PMR/AD/af

22154 U.S. PTO
10/680760



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(W0084165:1)